



## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

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MAILED

FEB 16 2004

UNITED STATES  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Applicants: Depui et al.  
Application No.: 10/620,000  
Filed: 07/14/03  
For: Oral Pharmaceutical Dosage Forms  
Comprising a Proton Pump Inhibitor and  
a NSAID

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,533.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Michael P. Tierney  
MICHAEL P. TIERNEY  
Administrative Patent Judge

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Filed February 6, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

ANDRX LABS, LLC  
Junior Party  
(U.S. Patent 6,869,615),

v.

ASTRAZENECA AB  
Senior Party  
(U.S. Application 10/620,000).  
Patent Interference No. 105,533 (MPT)  
(Technology Center 1600)

MAILED

FEB 6 2007

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

DECLARATION - Bd.R. 203(b)<sup>1</sup>

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Michael P. Tierney has been designated to manage the interference. Bd. R. 104(a).

<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 Part C. Standing order

2 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION.

3 The STANDING ORDER applies to this interference.

4 Part D. Initial conference call

5 A telephone conference call to discuss the interference is set for **2:00 p.m. on March 28,**  
6 **2007** (the Board will initiate the call).

7 No later than four business days prior to the conference call, each party shall file and  
8 serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120  
9 & 204) the party intends to file.

10 A sample schedule for taking action during the motion phase appears as Form 2 in the  
11 STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference  
12 call and to agree on dates for taking action. A typical motion period lasts approximately eight (8)  
13 months. Counsel should be prepared to justify any request for a shorter or longer period.

1 Part E. Identification and order of the parties

2 Junior Party

3 Named inventors: CHIH-MING CHEN, DAVIE, FLORIDA  
4 UNCHALEE KOSITPRAPA, DAVIE, FLORIDA

5  
6 Involved Patent: U.S. Patent 6,869,615, issued March 22, 2005, based upon  
7 U.S. Application 10/282,820, filed October 28, 2002.

8  
9 Title: PHARMACEUTICAL FORMULATIONS CONTAINING  
10 A NON-STEROIDAL ANTIINFLAMMATORY DRUG  
11 AND A PROTON PUMP INHIBITOR

12  
13 Assignee: ANDRX LABS, LLC  
14

15 Senior Party

16 Named Inventors: HELENE DEPUI, SWEDEN  
17 PER LUNDBERG, SWEDEN

18  
19 Involved Application: U.S. Application 10/620,000, filed July 14, 2003

20 Title: ORAL PHARMACEUTICAL DOSAGE FORMS  
21 COMPRISING A PROTON PUMP INHIBITOR AND A  
22 NSAID

23  
24 Assignee: ASTRAZENECA AB  
25

26 The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned  
27 exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for  
28 initiating settlement discussions. SO ¶ 126.1.

1 Part F. Count and claims of the parties

2 Count 1

3 Claim 1 of U.S. Application 10/620,000 or Claim 1 of U.S. Patent 6,869,615.

4  
5 The claims of the parties are:

6 AstraZeneca (Depui), U.S. Application 10/620,000: 1, 4-14, 22, 25-28, 33-34, 37-45

7 Andrx (Chen), U.S. Patent 6,869,615: 1-26

8  
9 The claims of the parties which correspond to Count 1 are:

10 AstraZeneca (Depui), U.S. Application 10/620,000: 1, 4-14, 22, 25-28, 33-34, 37-45

11 Andrx (Chen), U.S. Patent 6,869,615: 1-9 and 20-26

12  
13 The claims of the parties which do not correspond to Count 1, and therefore are not  
14 involved in the interference, are:

15 AstraZeneca (Depui), U.S. Application 10/620,000: None

16 Andrx (Chen), U.S. Patent 6,869,615: 10-19

17  
18 The parties are accorded the following 35 U.S.C. § 102(g) priority benefit for Count 1:

19 Andrx is accorded benefit of the filing dates of the following applications:

- 20 i) U.S. Patent 6,544,556, issued on April 8, 2003, based upon U.S.  
21 Application 09/659,222, filed September 11, 2000.

1 AstraZeneca is accorded benefit of the filing date of the following application:

- 2 i) U.S. Patent 6,613,354, issued September 2, 2003, based upon U.S.  
3 Application 10/090,882, filed March 4, 2002.  
4  
5 ii) U.S. Patent 6,365,184, issued April 2, 2002, based upon U.S.  
6 Application 09/471,958, filed December 23, 1999.  
7  
8 iii) U.S. Application 08/793,078, filed February 13, 1997.  
9  
10 iv) PCT/SE96/01735, filed December 20, 1996  
11  
12 v) Sweden 9600070-8, filed January 8, 1996.

1 Part G. Heading to be used on papers

2 The following heading must be used on all papers filed in this interference, see SO  
3 ¶ 106.1.1:

4 UNITED STATES PATENT AND TRADEMARK OFFICE

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8 BEFORE THE BOARD OF PATENT APPEALS  
9 AND INTERFERENCES

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12 ANDRX LABS, LLC  
13 Junior Party  
14 (U.S. Patent 6,869,615),

15  
16 v.

17  
18 ASTRAZENECA AB  
19 Senior Party  
20 (U.S. Application 10/620,000).  
21 Patent Interference No. 105,533 (MPT)  
22 (Technology Center 1600)  
23  
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25 Part H. Order form for requesting file copies  
26

27 When requesting copies of files, use of SO Form 4 will greatly expedite processing of the  
28 request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle  
29 around the patents and applications for which a copy of a file wrapper is requested.

30  
31 /Michael P. Tierney/  
32 Administrative Patent Judge

33 Enc:

34 Copy of STANDING ORDER  
35 Copy U.S. Patent 6,869,615  
36 Copy of claims of 10/620,000  
37

38 Revised 3 January 2006  
39

1  
2 cc (via overnight delivery):  
3

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